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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1935.

No. 127

RADIO CORPORATION OF AMERICA, PETITIONER,

vs.

RAYTHEON MANUFACTURING COMPANY

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIRST CIRCUIT.

PETITION FOR CERTIORARI FILED JUNE 14, 1935.

CERTIORARI GRANTED OCTOBER 14, 1935.

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[fol. 1] [Caption omitted]

IN UNITED STATES DISTRICT COURT, DISTRICT OF MASSACHUSETTS

Law Docket

No. 5021

RAYTHEON MANUFACTURING COMPANY

v.

RADIO CORPORATION OF AMERICA

WRIT AND RETURN—Filed Dec. 14, 1931

[L. S.] MASSACHUSETTS DISTRICT, ss:

The President of the United States of America, to the Marshal of Our District of Massachusetts, or His Deputy, Greeting:

We command you to attach the goods or estate of Radio Corporation of America, a corporation duly organized under the laws of the State of Delaware and a citizen of that State, which continuously at all times alleged in this case and now is found in the District of Massachusetts and [fol. 2] continuously at said times had and now has an agent therein and at all said times continuously has transacted and now transacts business in our District of Massachusetts, defendant, to the value of fifteen million (15,000,000) dollars, and the said corporation to summon (if it may be found in your district), to appear before our Judge of our District Court, next to be holden at Boston, within and for our said District of Massachusetts, on the third Tuesday of March, 1932. Then and there, in our said court, to answer unto Raytheon Manufacturing Company, a corporation duly organized under the laws of the Commonwealth of Massachusetts on or about July 7, 1922 under the name American Appliance Company subsequently changed to Raytheon Manufacturing Company and subsequently changed to Raytheon, Inc., a citizen, resident, inhabitant of

the Commonwealth of Massachusetts having its usual place of business at Cambridge in said Commonwealth, incorporated also under the laws of the State of Delaware for the benefit also of which said corporation this action is brought, plaintiff, in an action of tort arising under Title 15, Chapter 1, Section 15, of the Code of Laws of the United States.

To the damage of the said plaintiff (as it says) the sum of fifteen million dollars, which shall then and there be made to appear, with other due damages. And have you there this writ, with your doings therein.

Witness, the Honorable James M. Morton, Jr., at Boston, the fourteenth day of December, in the year of our Lord one thousand nine hundred and thirty-one.

Helen I. Tweedy, Deputy Clerk.

Officer's Return on Writ

UNITED STATES OF AMERICA,
Massachusetts District, ss:

Boston, December 14, 1931.

Pursuant hereunto I have this day at eleven o'clock and 55 minutes A. M., attached a chip as the property of the within-named Radio Corporation of America, and thereafter on the same day I summoned the within-named defendant, Radio Corporation of America, to appear at court and answer as within directed, by giving in hand to Henry [fol. 3] F. Long, Commissioner of Corporations for the Commonwealth of Massachusetts, two true and attested copies of and two original summons to this writ, together with $2, his statutory fee for acceptance of service hereon.

William J. Keville, United States Marshal, by J. A. Gately, Deputy.

[Memorandum. Copy of declaration filed December 14, 1931, is here omitted, as the declaration was subsequently amended and appears of record as amended. James S. Allen, Clerk.]

In United States District Court

Declaration as Amended by Disclaimer and by a Second Count

[Original Declaration Filed December 14, 1931; Disclaimer Filed March 5, 1932; Second Count Filed March 22, 1932.]

1. The plaintiff, Raytheon Manufacturing Company, is a corporation duly organized under the laws of the Commonwealth of Massachusetts in 1922 under the name American Appliance Company, subsequently changed to Raytheon Manufacturing Company, and subsequently changed to Raytheon, Inc., and a citizen, resident and inhabitant of the Commonwealth of Massachusetts having its usual place of business at Cambridge in said Commonwealth, and incorporated also in 1928 under the laws of the State of Delaware, for the benefit also of which said corporation this action is brought.

2. The defendant, Radio Corporation of America, is a corporation duly organized under the laws of the State of Delaware and is a citizen of that State and was continuously at all times hereinafter stated and now is found in the District of Massachusetts, and continuously at said times had and now has an agent therein and at all said times continuously has transacted and now transacts business therein.

3. The plaintiff for itself and for the benefit of said Raytheon Manufacturing Company, organized under the laws of the State of Delaware, brings this action to recover the sum of exceeding nine million dollars as threefold damages [fol. 4] and for the cost of suit, including a reasonable attorney's fee for the matters and things hereinafter set forth.

4. The plaintiff has been injured in its business and property by reason of the things done by the defendant, hereinafter set forth, forbidden in the Anti-Trust Laws of the United States, whereby the plaintiff has suffered damages in its business and property in a sum in excess of three million dollars, which the plaintiff claims to recover threefold under Title 15, Chapter 1, section 15, of the Code of Laws of the United States.